

RECEIVED

MAR 03 2015

TONY R. MOORE, CLERK  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT, LOUISIANA  
BY 

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

JACOBY J. FOSTER

CIVIL ACTION NO. 5:14-cv-3279

VS.

SECTION P

JUDGE DONALD E. WALTER

DET. GARDNER

MAGISTRATE JUDGE KAREN L. HAYES

**JUDGMENT**

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, determining that the findings are correct under the applicable law, and noting the absence of objections to the Report and Recommendation in the record, and consistent with this Court's prior practice,

**IT IS ORDERED** that this action— insofar as it seeks monetary damages for wrongful arrest, imprisonment and prosecution – be **STAYED** under the following conditions:

- a. Within thirty (30) days of the date the state court criminal proceedings against Plaintiff have concluded, the parties must file a status report with the Clerk of Court;
- b. If, after conclusion of the state court criminal proceedings, the stay is lifted and the Court finds Plaintiff's claims would impugn the validity of his conviction, the action will be dismissed under *Heck v. Humphrey*, 512 U.S. 477 (1994); if no such finding is made, the action will proceed at that time, absent some other bar to suit such as prescription. *See Wallace v. Kato*, 549 U.S. 384, 393-94 (2007);
- c. In light of the stay, Plaintiff should not file any more documents in this action until the state court proceedings have concluded; and
- d. Defendants shall not be required to answer during the pendency of the stay, and Plaintiff may not seek a default judgment or conduct

any discovery.

SHREVEPORT, LOUISIANA, this 3 day of March,  
2015.

A handwritten signature in blue ink, reading "Donald E. Walter", written over a horizontal line.

**DONALD E. WALTER**  
**UNITED STATES DISTRICT JUDGE**